

Remarks

I. Introduction

This is in response to the Office Action dated April 15, 2008. The Office Action rejected claims 1, 10, 19, 20, and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,996,406 to Lection et al. ("Lection") in view of U.S. Patent Application Publication No. 2003/0135,857 to Pendakur et al. ("Pendakur"). Claims 2, 5-6, 8, 11, 14-15, 17, 22, 25-26, 28, 33, 36-37, 39, and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lection in view of Pendakur further in view of U.S. Patent No. 6,477,363 to Ayoub et al. ("Ayoub"). Claims 9, 18, 29, and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lection in view of Pendakur further in view of U.S. Patent No. 6,647,267 to Britt et al. ("Britt"). Claims 7, 16, 27, and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lection in view of Pendakur further in view of U.S. Patent No. 6,725,049 to Williams ("Williams"). Claims 30, 31, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Lection in view of Pendakur further in view of U.S. Patent No. 6,054,928 to Lemelson et al. ("Lemelson").

In response, Applicants have amended claims 1, 10, 19, and 32 and cancelled claims 7, 16, 27, and 38. Claims 6, 11, 15, 20, 26, and 37 have been amended to correct typographical errors. Claims 1-2, 5-6, 8-11, 14-15, 17-22, 25-26, 28-33, 36-37, and 39-42 remain for consideration.

II. Rejections under 35 U.S.C. §103

Independent claim 1 was rejected as being unpatentable over Lection in view of Pendakur.

In order to "establish *prima facie* obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art." In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Furthermore, "all words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). See also

MPEP § 2143.03. Neither of the cited references, either alone or in combination, teach all of the claim limitations of currently amended independent claim 1. Therefore, Applicants request the withdrawal of the rejections under 35 U.S.C. §103(a).

The subject area of the present invention involves locating users in a wireless communications network, and in particular the association of dynamic location information with calls in a wireless communication network. A mobile communications device determines its position using a technique such as GPS, signal triangulation, or serving cell identification. This position information is included in metadata that is linked to the audio stream data sent from the mobile communications device as part of a wireless communications call. The position information contained in the metadata may be encrypted to prevent tampering.

This encryption aspect of the invention is claimed in currently amended claim 1 which contains the limitation of “means for encrypting the determined location of the mobile communications device.” This limitation was originally in canceled claim 7, which was directly dependent on claim 1 and was rejected under 35 U.S.C. §103(a) over Lektion in view of Pendakur in further view of Williams. Amended claim 1 is allowable because the limitation of claim 7, that is now added to claim 1, is not disclosed in the cited references.

Williams discloses a method and system for disseminating global positioning information through a telecommunications infrastructure. The Office Action implies that Williams discloses the encryption of the global position information. Applicants respectfully disagree. The Office Action cites column 3, lines 34-42 of Williams, the pertinent part of which states that “[t]he global positioning information may also form the basis for encryption of messages or conversations between the parties.” [emphasis added] The Office Action also cites column 4, lines 7-54, the pertinent part of which states that “[t]he recipient may also employ the global positioning information as an encryption key.” Both of these citations of Williams suggest the use of global positioning information as a

“basis for encryption” (i.e. an encryption key). However, using the global positioning information as an encryption key is not the same as encrypting the global positioning information as required in amended claim 1. Therefore, the Office Action’s citations of Williams do not disclose the limitation of “means for encrypting the determined location of the mobile communications device.” (amended claim 1) Moreover, nowhere in Williams is the encryption of a mobile communications device’s position information disclosed. Therefore, Williams does not disclose the limitation missing from Lektion and Pendakur.

A prima facie case of obviousness requires that all claim limitations must be taught or suggested by the prior art. For the reasons discussed above, Lektion, Pendakur, and Williams, either alone or in combination, fail to disclose each and every limitation of currently amended independent claim 1. Therefore, currently amended independent claim 1 is allowable.

The encryption aspect of the invention is claimed in currently amended claims 10, 19, and 32 each of which contains the limitation of “encrypting the determined location of the mobile communications device.” This limitation was originally in each of cancelled claims 16, 27, and 38 which were directly dependent on claims 10, 19, and 32 respectively and were rejected under 35 U.S.C. §103(a) over Lektion in view of Pendakur further in view of Williams. Amended claims 10, 19, and 32 are allowable because the limitations of claims 16, 27, and 38, that are now added to claims 10, 19, and 32 respectively, are not disclosed in the cited references for reasons described above in connection with currently amended independent claim 1.

A prima facie case of obviousness requires that all claim limitations must be taught or suggested by the prior art. Lektion, Pendakur, and Williams, either alone or in combination, fail to disclose each and every limitation of currently amended independent claims 10, 19, and 32. Therefore, currently amended claims 10, 19, and 32 are allowable.

For the reasons discussed above, all independent claims are allowable over the cited art. Allowance of all independent claims is requested.

All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable. In addition, as discussed immediately below, claims 6, 15, 26, and 37 contain further limitations that render them separately patentable over other art cited in the Office Action against these claims.

The Office Action rejected dependent claims 6, 15, 26, and 37 as being unpatentable under 35 U.S.C. §103(a) over Lektion in view of Pendakur further in view of Ayoub. These claims depend respectively on amended independent claims 1, 10, 19 and 32, which, as discussed above, are now allowable. Since claims 6, 15, 26 and 37 depend on allowable independent claims, they are allowable. Additionally, each of these dependent claims includes further limitations that render them patentable over Lektion in view of Pendakur further in view of Ayoub.

Specifically, dependent claims 6, 15, 26, and 37 each involves linking “in response to detected changes in the currently serving cell.” The Office action states that this limitation is missing from Lektion and Pendakur but is disclosed in Ayoub. Applicants respectfully disagree.

Ayoub discloses a system and method for communicating the location of an emergency caller through a telephone network control station. The Office Action cites column 4, lines 44-47 of Ayoub which states that “[a]s the caller is communicating with the authority, the controller in the cellular phone sends the updated position at the constant interval while the emergency call is in progress.” (reference numerals omitted for clarity) Clearly, the transmission of an updated position at a constant interval is not the same as linking position information “in response to detected changes in the currently serving cell” as claimed in claims

6, 15, 26, and 37. Thus, the limitation missing from Lektion and Pendakur is not disclosed by Ayoub. Therefore, Lektion, Pendakur, and Ayoub, either alone or in combination, fail to disclose each and every limitation of claims 6, 15, 26, and 37. Accordingly claims 6, 15, 26, and 37 are patentable over Lektion in view of Pendakur further in view of Ayoub.

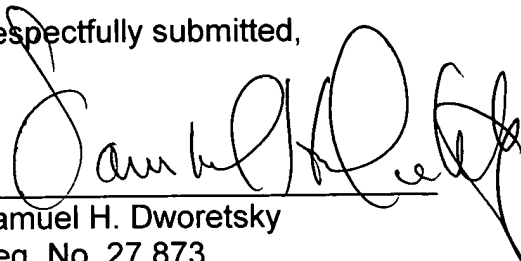
V. No New Matter has Been Added

The amendments to claims 1, 10, 19, and 32 do not contain new matter. The amendments to claims 1, 10, 19, and 32 incorporate the limitations of now cancelled claims 7, 16, 27, and 38 which are supported in the specification at least on page 9, lines 1-16. The amendments to claims 6, 11, 15, 20, 26, and 37 were made to correct typographical errors and do not contain new matter.

VI. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Samuel H. Dworetsky', written over a horizontal line.

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